

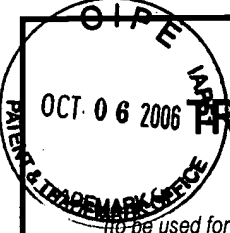
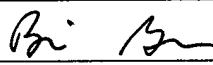

10-10-06

AF
JFWPlease type a plus sign (+) inside this box ☐

PTO/SB/21 (6-99)

Approved for use through 09/30/2000. OMB 0651-0031
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

 TRANSMITTAL FORM (to be used for all correspondence after initial filing)		Application Number	09/978,295			
		Filing Date	October 15, 2001			
		First Named Inventor	Avi J. Ashkenazi			
		Group/Art Unit	1646			
		Examiner Name	Kemmerer, Elizabeth			
Total Number of Pages in This Submission	3	Attorney Docket Number	39780-2630P1C11			
ENCLOSURES (check all that apply)						
<table border="0"> <tr> <td style="vertical-align: top;"> <input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> AMENDMENT / RESPONSE <input type="checkbox"/> After Final <input type="checkbox"/> Version With Markings Showing Changes <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Information Disclosure Statement with Form PTO-1449 <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 <input type="checkbox"/> Copy of Notice. </td> <td style="vertical-align: top;"> <input checked="" type="checkbox"/> REQUEST TO WITHDRAW APPEAL BY APPELLANTS <input checked="" type="checkbox"/> COPY OF BOARD OF PATENT APPEALS AND INTERFERENCES DOCKETING NOTICE of 9/9/02006 <input type="checkbox"/> Amendment under 37 CFR §1.48(b) <input type="checkbox"/> Petition Routing Slip (PTO/SB/69) and Accompanying Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, by Assignee to Exclusion of Inventor Under 37 C.F.R. §3.71 With Revocation of Prior Powers <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Small Entity Statement <input type="checkbox"/> Request for Refund </td> <td style="vertical-align: top;"> <input type="checkbox"/> After Allowance Communication to Group <input checked="" type="checkbox"/> Appeal Communication to the Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> ADDITIONAL ENCLOSURE(S) (PLEASE IDENTIFY BELOW): <input checked="" type="checkbox"/> STAMPED RETURN POSTCARD </td> </tr> </table>				<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> AMENDMENT / RESPONSE <input type="checkbox"/> After Final <input type="checkbox"/> Version With Markings Showing Changes <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Information Disclosure Statement with Form PTO-1449 <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 <input type="checkbox"/> Copy of Notice.	<input checked="" type="checkbox"/> REQUEST TO WITHDRAW APPEAL BY APPELLANTS <input checked="" type="checkbox"/> COPY OF BOARD OF PATENT APPEALS AND INTERFERENCES DOCKETING NOTICE of 9/9/02006 <input type="checkbox"/> Amendment under 37 CFR §1.48(b) <input type="checkbox"/> Petition Routing Slip (PTO/SB/69) and Accompanying Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, by Assignee to Exclusion of Inventor Under 37 C.F.R. §3.71 With Revocation of Prior Powers <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Small Entity Statement <input type="checkbox"/> Request for Refund	<input type="checkbox"/> After Allowance Communication to Group <input checked="" type="checkbox"/> Appeal Communication to the Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> ADDITIONAL ENCLOSURE(S) (PLEASE IDENTIFY BELOW): <input checked="" type="checkbox"/> STAMPED RETURN POSTCARD
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> AMENDMENT / RESPONSE <input type="checkbox"/> After Final <input type="checkbox"/> Version With Markings Showing Changes <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Information Disclosure Statement with Form PTO-1449 <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 <input type="checkbox"/> Copy of Notice.	<input checked="" type="checkbox"/> REQUEST TO WITHDRAW APPEAL BY APPELLANTS <input checked="" type="checkbox"/> COPY OF BOARD OF PATENT APPEALS AND INTERFERENCES DOCKETING NOTICE of 9/9/02006 <input type="checkbox"/> Amendment under 37 CFR §1.48(b) <input type="checkbox"/> Petition Routing Slip (PTO/SB/69) and Accompanying Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, by Assignee to Exclusion of Inventor Under 37 C.F.R. §3.71 With Revocation of Prior Powers <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Small Entity Statement <input type="checkbox"/> Request for Refund	<input type="checkbox"/> After Allowance Communication to Group <input checked="" type="checkbox"/> Appeal Communication to the Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> ADDITIONAL ENCLOSURE(S) (PLEASE IDENTIFY BELOW): <input checked="" type="checkbox"/> STAMPED RETURN POSTCARD				
Remarks AUTHORIZATION TO CHARGE DEPOSIT ACCOUNT 08-1641 FOR ANY FEES DUE IN CONNECTION WITH THIS PAPER, REFERENCING ATTORNEY'S DOCKET NO. 39780-2630 P1C11.						
SIGNATURE OF APPLICANT, ATTORNEY OR AGENT						
Firm or Individual name	HELLER EHRMAN LLP 275 Middlefield Road, Menlo Park, California 94025 Barrie D. Greene (Reg. No. 46, 740) Telephone: (650) 324-7000 Facsimile: (650) 324-0638					
Signature						
Date	October 6, 2006	Customer Number:	35489			
CERTIFICATE OF EXPRESS MAILING						
I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. §1.10 on the date indicated below and addressed to: MAIL STOP APPEAL BRIEFS-PATENTS , Commissioner for Patents, PO Box 1450, Alexandria, Virginia 22313-1450, on this date: October 6, 2006 .						
Express Mail Label EV 582 634 902 US						
Typed or printed name	L. ACOSTA					
Signature		Date	October 6, 2006			

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop APPEAL BRIEFS-PATENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.



THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:)	Examiner: Kemmerer, Elizabeth
)	
Avi J. ASHKENAZI, et al.)	Art Unit: 1646
)	
Application Serial No. 09/978,295)	Confirmation No. 6495
)	
Filed: October 15, 2001)	Attorney's Docket No. 39780-2630 P1C11
)	
For: SECRETED AND)	Customer No. 35489
TRANSMEMBRANE)	
POLYPEPTIDES AND NUCLEIC)	
ACIDS ENCODING THE SAME)	

EXPRESS MAIL LABEL NO.: EV 582 634 902 US
DATE MAILED: OCTOBER 6, 2006

ON APPEAL TO THE BOARD OF PATENT APPEALS AND INTERFERENCES
REQUEST TO WITHDRAW APPEAL BY APPELLANTS

MAIL STOP APPEAL BRIEF - PATENTS

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

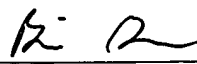
On August 29, 2005, the Examiner made a final rejection to pending Claims 58-62. A Notice of Appeal was filed on January 25, 2006, and Appellants' Appeal Brief was filed March 24, 2006. No Examiner's Answer has yet been received.

Appellants hereby request that the appeal be withdrawn, and that the above-identified application be expressly withdrawn as of the filing date of this paper.

I am the attorney or agent of record.

Respectfully submitted,

Date: October 6, 2006

By: 
Barrie Greene (Reg. No. 46,740)

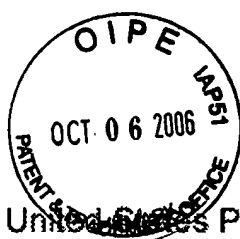
HELLER EHRMAN LLP
275 Middlefield Road
Menlo Park, California 94025-3506
Telephone: (650) 324-7000
Facsimile: (650) 324-0638

SV 2236695 v1
10/6/06 1:25 PM (39780.2630)

RECEIVED

SEP 22 2006

HELLER EHRMAN LLP



United States Patent and Trademark Office

Under Secretary of Commerce for Intellectual Property and
Director of the United States Patent and Trademark Office

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

HELLER EHRMAN LLP
275 MIDDLEFIELD ROAD
MENLO PARK, CA 94025-3506

Paper No:

Appeal No: 2006-3203

Application: 09/978,295

Appellant: Avi Ashkenazi et
al.

MAILED

SEP 09 2006

U.S. PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES

Board of Patent Appeals and Interferences Docketing Notice

Application 09/978,295 was received from the Technology Center at the Board on August 23, 2006 and has been assigned Appeal No: 2006-3203.

A review of the file indicates that the following documents have been filed by appellant:

Appeal Brief filed on: March 24, 2006
Reply Brief filed on: NONE
Request for Hearing filed on: NONE

In all future communications regarding this appeal, please include both the application number and the appeal number.

The mailing address for the Board is:

BOARD OF PATENT APPEALS AND INTERFERENCES
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VIRGINIA 22313-1450

The facsimile number of the Board is 571-273-0052. Because of the heightened security in the Washington D.C. area, facsimile communications are recommended. Telephone inquiries can be made by calling 571-272-9797 and should be directed to a Program and Resource Administrator.

By order of the Board of Patent Appeals and Interferences

PREVIOUSLY DOCKETED

AWAIT NEXT ACTION

ABANDONED AS OF

7/11/06